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28 SOFTWARE CORPORATION, LIVE NATION, INC.,
MICROS SYSTEMS, INC., ORBITZ, LLC, STUBHUB,
INC., TICKETMASTER, LLC; TRAVELOCITY.COM LP,
WANDERSPOT LLC, AND OPENTABLE, INC.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE: AMERANTH PATENT
LITIGATION CASES

Civil Action No. 3:11-cv-01810-
DMS-WVG

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
STAY UNDER SECTION 18(B)
OF THE LEAHY-SMITH
AMERICA INVENTS ACT**

Date: December 13, 2013
Time: 1:30 p.m.
Location: Courtroom 13A
Judge: Hon. Dana M. Sabraw

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

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TRIAL BY JURY DEMANDED

1 TO THE COURT, ALL PARTIES, AND TO THEIR RESPECTIVE
2 ATTORNEYS OF RECORD:

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4 YOU ARE HEREBY NOTIFIED THAT on December 13, 2013, at 1:30 p.m. in
5 Courtroom 13A of this Court, Defendants Expedia, Inc., Fandango, Inc., Hotel
6 Tonight Inc., Hotwire, Inc., Hotels.com, L.P., Kayak Software Corporation, Live
7 Nation Entertainment, Inc., Micros Systems, Inc., Orbitz, LLC, OpenTable, Inc.,
8 Papa John's USA, Inc., Stubhub, Inc., TicketMaster, LLC, Travelocity.com LP,
9 Wanderspot LLC, Pizza Hut, Inc., Pizza Hut of America, Inc., Domino's Pizza,
10 Inc., Domino's Pizza, LLC, Grubhub, Inc., Seamless North America, LLC,
11 Ordr.in., Inc., Mobo Systems, Inc., Starbucks Corporation, Eventbrite, Inc., Best
12 Western International, Inc., Hilton Resorts Corporation, Hilton Worldwide, Inc.,
13 Hilton International Co., Hyatt Corporation, Marriott International, Inc., Starwood
14 Hotels & Resorts Worldwide, Inc., Agilysys, Inc., Usablenet, Inc., Apple Inc., O-
15 Web Technologies Ltd., QuikOrder, Inc., TicketBiscuit, LLC, Ticketfly, Inc., and
16 ATX Innovation, Inc. will move this Court for an order staying all proceedings in
17 this action pending the outcome of the United States Patent and Trademark Office's
18 review of the patents-in-suit under the Transitional Program for Covered Business
19 Method ("CBM") Patents.

20 This motion is made on the grounds that each of the four factors for
21 determining whether to grant a stay pending CBM review strongly weigh in favor
22 of staying this case. First, CBM review of the asserted patents will undoubtedly
23 simplify issues for this Court and could possibly resolve this case altogether.
24 Second, this litigation is in the early stages, and the case has not progressed to a
25 point that a stay of the litigation is inappropriate. Third, Ameranth would not be
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1 unduly prejudiced by a stay. Finally, it is unquestionable that a stay would reduce
2 the burden on and conserve the resources of the parties and the Court.

3 This motion is based on this Notice of Motion, the accompanying
4 Memorandum of Points and Authorities, the accompanying Declaration of Richard
5 S. Zembek and attached exhibits, the pleadings, documents and records on file with
6 the Court in this action, and any further written argument and oral argument as may
7 be permitted by the Court.
8

9
10 Respectfully submitted,

11 Dated: October 22, 2013

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23 **SOFTWARE CORPORATION, LIVE**
24 **NATION ENTERTAINMENT, INC.,**
25 **MICROS SYSTEMS, INC., ORBITZ,**
26 **LLC, STUBHUB, INC.,**
27 **TICKETMASTER, LLC,**
28 **TRAVELOCITY.COM LP,**
WANDERSPOT LLC, AND
OPENTABLE, INC.

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CERTIFICATION OF SIGNATURES

The undersigned hereby certifies, pursuant to this Court's Electronic Case Filing Administrative Policies and Procedures Manual § 2(f)(4), that the content of this document is acceptable to Laura Beth Miller, Counsel for HYATT CORPORATION; George C. Yu, Counsel for QUIKORDER, INC.; Nick G. Saros, Counsel for MARRIOTT INTERNATIONAL, INC., ET AL.; Michael H. Page, Counsel for TICKETFLY, INC.; Joel T. Beres, Counsel for PIZZA HUT OF AMERICA, INC., AND PIZZA HUT, INC.; David M. Stein, Counsel for HILTON RESORTS CORPORATION, HILTON WORLDWIDE, INC., AND HILTON INTERNATIONAL CO.; Brian S. Inamine, Counsel for USABLENET INC.; Anthony Nimmo, Counsel for AGILYSYS, INC.; J. Rick Taché, Counsel for BEST WESTERN INTERNATIONAL, INC.; J. Rick Taché, Counsel for ATX INNOVATION, INC. D/B/A TABBEDOUT; Matthew C. Bernstein, Counsel for STARBUCKS CORPORATION; Ian A. Stewart, Counsel for ORDR.IN, INC.; Thomas W. Cunningham, Counsel for DOMINO'S PIZZA, LLC AND DOMINO'S PIZZA, INC.; Lowell D. Mead, Counsel for MOBO SYSTEMS, INC. A/K/A OLO A/K/A OLO ONLINE ORDERING; Eric J. Faragi, Counsel for SEAMLESS NORTH AMERICA, LLC; Brian J. Dunne, Counsel for TICKETBISCUIT, LLC; Konrad Sherinian, Counsel for GRUBHUB, INC.; Jesse Hindman, Counsel for STARWOOD HOTELS & RESORTS WORLDWIDE, INC.; Erin P. Gibson, Counsel for APPLE, INC.; ERIN P. GIBSON, Counsel for EVENTBRITE, INC.; and ARTHUR P. LICYGIEWICZ, Counsel for O-WEB TECHNOLOGIES LTD., and that I have obtained their authorizations to affix their electronic signatures to this document.

By /s/ Richard S. Zembek
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